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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,310	06/01/2005	Daniel Fages	NY-GRYN 223-US	1258
24972	7590	06/25/2008		
FULBRIGHT & JAWORSKI, LLP 666 FIFTH AVE NEW YORK, NY 10103-3198			EXAMINER LAFORGLA, CHRISTIAN A	
			ART UNIT 2139	PAPER NUMBER
			MAIL DATE 06/25/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/537,310

Applicant(s)

FAGES ET AL.

Examiner

Christian LaForgia

Art Unit

2139

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10, 11, 14-17, 19, 20 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10, 11, 14-17, 19, 20 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The amendment of 02 April 2008 has been noted and made of record.
2. Claims 10, 11, 14-17, 19, 20 and 23 have been presented for examination.
3. Claims 1-9, 12, 13, 18, 21 and 22 have been cancelled as per Applicant's request.

Response to Arguments

4. Applicant's arguments filed 02 April 2008 have been fully considered but they are not persuasive.
5. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).
6. Applicant's arguments regarding the prior art rejections amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.
7. See further rejections set forth below.

Claim Objections

8. Claims 14 and 19 are objected to because of they depend from cancelled claims. Appropriate correction is required.

Claim Rejections - 35 USC § 103

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. Claims 10, 11, 14, 15-17, 19, 20, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0014662 A1 to Gupta et al., hereinafter Gupta, in view of U.S. Patent No. 7,237,258 B1 to Pantuso et al., hereinafter Pantuso.

11. As per claim 10, Gupta teaches a method for securing logical access to information and/or computing resources in a group of computer equipment with minimum access delay, said group of computer equipment exchanging data with a computer telecommunication network via an access device comprising an operating system, and said data comprising transported data that conform to a protocol of at least one application having a plurality of capabilities, as well as transport data, said method comprising the steps of:

defining a finite-state machine for each application protocol (Figures 2 [element 66], 5 [block 66], 9 [block 64], paragraphs 0086, 0089, 0091, i.e. state machine for application layer protocols);

modeling each finite-state machine in the form of a model (Figures 2 [element 67], 7, 10, paragraphs 0107, 0109-0110);

generating from each model (Figures 2 [element 67], 7, 10, paragraphs 0107, 0109-0110), an analysis module for each application protocol using of an interpreter (Figures 9 [blocks 63, 64], 12 [Fixed-field detector, Protocol Parsing State Machine], paragraphs 0089, 0091, 0092, i.e. protocol parser specifies the parsing of application layer protocols); and

filtering (Figure 9 [blocks 54, 55], 12 [Attack Detector, Response Module], paragraph 0104, i.e. protocol parser detects SSIDs and passes them to the attack detector) the transported data in said operating system by means of said analysis modules (Figures 9 [blocks 63, 64], 12 [Fixed-field detector, Protocol Parsing State Machine], paragraphs 0089, 0091, 0092, i.e. protocol parser specifies the parsing of application layer protocols).

12. Gupta does not teach selectively restricting the capabilities of one or more application protocols using said analysis modules.

13. Pantuso teaches the firewall restricting predetermined application level protocols, such as e-mail and FTP applications (column 5, lines 44-54).

14. It would have been obvious to one of ordinary skill in the art at the time the invention was made to selectively restrict the capabilities offered by an application protocol by using said analysis modules, since Pantuso states at column 2, lines 47-57 that restricting the capabilities offered by application protocols provides a more secure environment for management purposes by granting more access to trusted applications.

15. Regarding claim 11, Gupta teaches the step of verifying the conformity of said transported data with the application protocols involved using said analysis modules (paragraphs 0083, 0085, 0093, 0103-0104, i.e. checking data locations, examining fields in the packet header and fixed locations within the packet payload).

16. Concerning claims 14 and 19, Gupta teaches the step of parameterizing said analysis modules in accordance with predetermined restrictions (paragraphs 0094, i.e. tokens).

17. Pantuso discloses a user configuring a firewall or filtering component (column 1, line 59 to column 2, line 5).

18. As per claim 15, Gupta teaches an access device for securing logical access to information and/or computing resources in a group of computer equipment with minimum access delay, said group of computer equipment exchanging data with a computer telecommunication network via said access device, and said data comprising transported data that conform to at least one application having a plurality of capabilities, as well as transport data, said access device comprising:

an operating system (Figures 4A [Linux System], 16 [Windows, Solaris], paragraph 0162) that includes an appropriate analysis module for each application protocol (Figures 9 [blocks 63, 64], 12 [Fixed-field detector, Protocol Parsing State Machine], paragraphs 0089, 0091, 0092, i.e. protocol parser specifies the parsing of application layer protocols); a filtering module for filtering (Figure 9 [blocks 54, 55], 12 [Attack Detector, Response Module]) said transported data in said operating system using said analysis modules (paragraph 0104, i.e. protocol parser detects SSIDs and passes them to the attack detector).

19. Gupta does not teach an information processing module for selectively restricting the capabilities of one or more application protocol using said analysis module.

20. Pantuso teaches the firewall restricting predetermined application level protocols, such as e-mail and FTP applications (column 5, lines 44-54).

21. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include an information processing module for selectively restricting the capabilities

of one or more application protocol using said analysis module, since Pantuso states at column 2, lines 47-57 that restricting the capabilities offered by application protocols provides a more secure environment for management purposes by granting more access to trusted applications.

22. Regarding claim 16, Gupta teaches wherein each analysis module (Figures 9 [blocks 63, 64], 12 [Fixed-field detector, Protocol Parsing State Machine]) implements a finite-state machine representing a given application protocol (paragraphs 0089, 0091, i.e. protocol parser is implemented using a state machine to parse application layer protocols).

23. Regarding claim 17, Gupta teaches wherein said analysis modules (Figure 9 [blocks 63, 64]) comprises a first information processing module for verifying the conformity of said transported data with said application protocols involved (paragraphs 0083, 0085, 0093, 0103-0104, i.e. checking data locations, examining fields in the packet header and fixed locations within the packet payload).

24. With regards to claim 20, Gupta teaches wherein said analysis modules (Figure 9 [blocks 63, 64]) comprises a first information processing module for verifying the conformity of said transported data with said application protocols involved (paragraphs 0083, 0085, 0093, 0103-0104, i.e. checking data locations, examining fields in the packet header and fixed locations within the packet payload).

25. Regarding claim 23, Gupta teaches wherein the step of modeling each finite-state machine in the form of a model utilizes a state transition matrix (Figure 7, paragraphs 0093, i.e. state transition table).

Conclusion

26. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

27. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian LaForgia whose telephone number is (571)272-3792. The examiner can normally be reached on Monday thru Thursday 7-5.

29. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2139

30. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christian LaForgia/
Primary Examiner, Art Unit 2139

Clf